

ORDINANCE NO. 2006 - 026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO REDUCE THE RIGHT-OF-WAY OF **JOG ROAD** FROM 100 FEET TO 60 FEET BETWEEN HOOD ROAD AND APPROXIMATELY 3500 FEET NORTH OF HOOD ROAD); **MAP SERIES** (TO MODIFY MAP TE 14.1, THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP, TO REDUCE THE RIGHT-OF-WAY OF **JOG ROAD** FROM 100 FEET TO 60 FEET BETWEEN HOOD ROAD AND APPROXIMATELY 3500 FEET NORTH OF HOOD ROAD); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June

23, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 21, 2006 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Map Series**, to modify Map TE 14.1 Thoroughfare Right-Of-Way Identification Map, to reduce the right-of-way of Jog Road from 100 feet to 60 feet between Hood Road and approximately 3500 feet north of Hood Road; and
- B. Transportation Element**, to reduce the right-of-way of Jog Road from 100 feet to 60 feet between Hood Road and approximately 3500 feet north of Hood Road.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
26 Beach County, on the 21st day of August, 2006.

27 ATTEST:
28 SHARON R. BOCK, CLERK

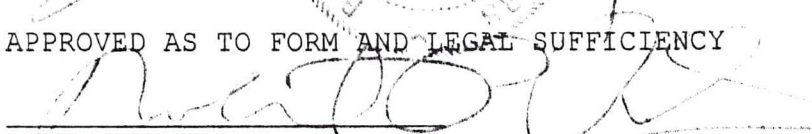
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

30 By:  By: 

31 Deputy Clerk

32 Anthony Masilotti, Chairman

33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

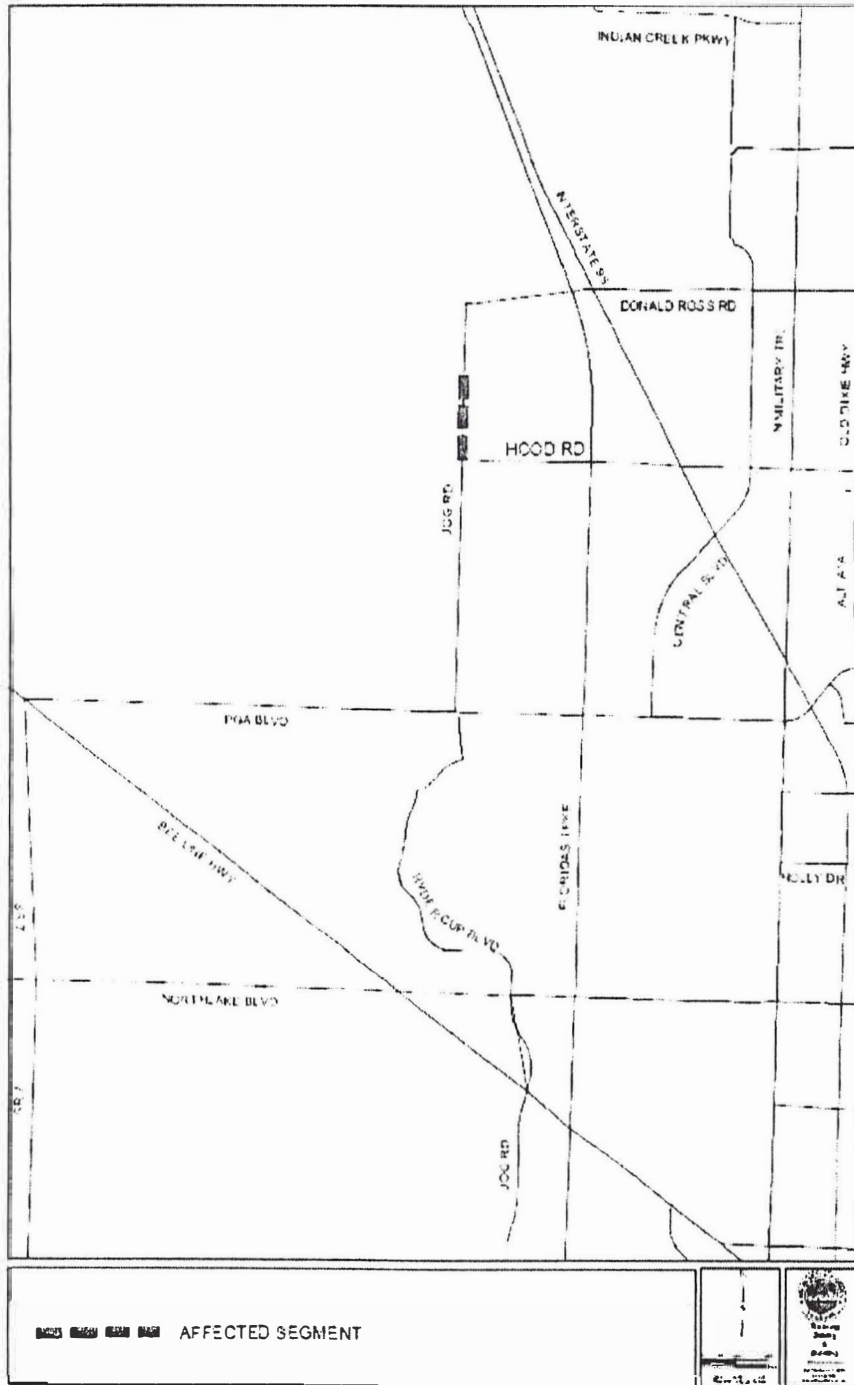
34 
35 COUNTY ATTORNEY

36 Filed with the Department of State on the 29th day of
37 August, 2006.

EXHIBIT 1

A. Thoroughfare Right-of-Way Identification Map (Figure TE 14.1), Jog Road TIM Amendment

REVISIONS: Change the Jog Road segment from Hood Road to approximately 3500 feet north of Hood Road (up to the northern edge of Old Marsh Property) from 100' ROW to 60' ROW (with an asterisk referring to Policy 1.4-u) on the TIM Roadway Map.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. ROCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on **AUG 21 2006**

dated at West Palm Beach, FL on **9-7-2006**
By *Judith Crockett*
Deputy Clerk



B. Transportation Element, Jog Road TIM Amendment

REVISIONS: Changing the condition of Policy 1.4-u with regard to Jog Road. The added text is shown in underline and the deleted text is shown in ~~struck-out~~ format.

Policy 1.4-u: The following notes reflect conditions associated with roadway segments in the County's Thoroughfare Right of Way Identification Map (TIM):....(*Unchanged text omitted for brevity*)

6. Jog Road, from Hood Road to ~~Donald Ross Road~~, is a 100-foot section approximately 3500 feet north of Hood Road (up to the northern edge of Old Marsh Property), is a 60 foot section and the remaining portion of Jog Road up to Donald Ross Road is a 100 foot section that shall be restricted to two through lanes with the ~~remaining~~ excess right-of-way to be used for drainage, landscaping, pathways, turning lanes, and bicycle paths. This ~~400/60-~~ foot restriction does not apply to locations where roundabouts are needed or where the County Engineer requires additional right-of-way.